

TOWER NEWS



UNITED STATES SENATOR FOR TEXAS JOHN TOWER

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STATEMENT BEFORE GOVERNMENT OPERATIONS COMMITTEE
BY SENATOR JOHN G. TOWER
JANUARY 21, 1976

MR. CHAIRMAN, I APPRECIATE THIS OPPORTUNITY TO COMMENT ON THE SENATE'S OVERSIGHT OF THE INTELLIGENCE COMMUNITY OF THIS COUNTRY.

WHILE IN THE STATE OF TEXAS DURING THE HOLIDAY RECESS I TALKED WITH A GREAT NUMBER OF INTERESTED CONSTITUENTS ABOUT THIS VERY MATTER.

THEIR CONCERN WAS CLEAR TO ME -- DO NOT WEAKEN OR DESTROY THE LINCHPIN FOR THE PROTECTION OF THIS COUNTRY -- ITS INTELLIGENCE ARM.

AS YOU KNOW, I SHARE THIS CONCERN. IT WAS THE OVERRIDING FACTOR IN MY DECISION TO ACCEPT A LEADERSHIP ROLE IN THE SELECT COMMITTEE ON INTELLIGENCE.

THE SELECT COMMITTEE HAS PURSUED THE INQUIRY MANDATED BY S. RES. 21 IN A MANNER BEFITTING ITS CRITICAL IMPORTANCE TO THE NATION. BUT IT WAS PERHAPS INEVITABLE THAT THE SURROUNDING EVENTS WOULD GAIN SUFFICIENT MOMENTUM TO POSE THE DANGER OF A PROFOUND ADVERSE IMPACT UPON THE NATION'S INTELLIGENCE CAPABILITY.

PUBLIC RELEASE OF SECRETS BY PAST AND PRESENT GOVERNMENT OFFICIALS -- FORMER EMPLOYEES OF THE CIA WHO SERVED AS AGENTS ABROAD, THE SELECT COMMITTEE'S OWN REPORT ON ATTEMPTED ASSASSINATION OF FOREIGN LEADERS AND "LEAKS" FROM THE CONGRESS ITSELF -- HAS GIVEN THE AMERICAN PEOPLE A SENSATIONALIZED VIEW OF INTELLIGENCE ACTIVITIES OF THE GOVERNMENT.

IT HAS SADLY BECOME FASHIONABLE TO PLAY POLITICS WITH SECRETS. TO DISAGREE WITH A SECRET OPERATION OF THE CIA, ANYMORE, DOES NOT MEAN TO CONSIDER QUIETLY THE COURSES OF ACTION, BUT, RATHER, TO HINT DARKLY OF IT, OR TO DISCLOSE IT TO THE MEDIA.

AGAINST THIS BACKDROP OF SPREADING CONCERN FOR OUR CONTINUING INTELLIGENCE EFFECTIVENESS AND THE CLEARLY MANDATED WILL OF THE SENATE THAT PROBLEMS AND ABUSES BE IDENTIFIED AND CORRECTIVE ACTION RECOMMENDED, WHERE WARRANTED, THE TEMPTATION TO INVOKE EXPEDITIOUS RESOLUTION IS JUSTIFIABLY PRESENT. IT HAS BEEN ARGUED THAT ESTABLISHMENT OF A SINGLE INTELLIGENCE OVERSIGHT COMMITTEE IN EACH HOUSE WOULD LIMIT THE OPPORTUNITY FOR DISCLOSURE WHILE MAXIMIZING THE CHANCES FOR CLOSE MONITORING AND OVERSIGHT OF INTELLIGENCE ACTIVITIES.

THIS APPROACH IS THE CORNERSTONE OF THE POSITION ADVOCATED BY THE CHAIRMAN. I AM NOT PREPARED TO ACCEPT THE LEGISLATION AS DRAFTED BY THE SELECT COMMITTEE BECAUSE I BELIEVE THAT SERIOUS ANALYSIS WILL REVEAL IT TO BE BOTH A PREMATURE AND SIMPLISTIC SOLUTION TO AN EXTREMELY COMPLICATED SET OF PROBLEMS.

IT IS PREMATURE BECAUSE MANY OF THE PROBLEMS IDENTIFIED BY OUR INQUIRY RAISE QUESTIONS OF THE CORRECTNESS OF CURRENT INTELLIGENCE COMMUNITY ORGANIZATION -- PROBLEMS WHICH THE PRESIDENT HAS INDICATED HE WILL ADDRESS IN AN UPCOMING REORGANIZATION PROPOSAL.

IT IS SIMPLISTIC BECAUSE IT ASSUMES THAT INTELLIGENCE ACTIVITIES CAN BE NEATLY DIVORCED FROM OTHER ACTIVITIES OF THE AFFECTED AGENCIES AND DEPARTMENTS AND THAT AN ATTEMPT TO VEST INTELLIGENCE JURISDICTION IN A SINGLE COMMITTEE IS WORKABLE UNDER THE EXISTING JURISDICTIONAL SCOPE OF SENATE COMMITTEES.

NEITHER ASSUMPTION IS CORRECT.

EVERY MEMBER OF THIS PANEL CAN READILY ENVISION THE PROBLEMS WHICH WILL ENSUE WHEN WE ATTEMPT TO EXAMINE IN THE JUDICIARY COMMITTEE THAT PART OF THE JUSTICE DEPARTMENT WHICH RELATES TO THE FBI'S LAW ENFORCEMENT MISSION WHILE AT THE SAME TIME DEALING WITH THE BUREAU'S "INTELLIGENCE ACTIVITIES" IN THE PROPOSED INTELLIGENCE OVERSIGHT COMMITTEE. FOR MONTHS WE HAVE BEEN UNABLE TO DRAW A CLEAR LINE BETWEEN LAW ENFORCEMENT AND SOME "INTELLIGENCE ACTIVITIES". A LABEL ADOPTED FOR THE PURPOSE OF COMPLYING WITH THE AUTHORIZATION PROCESS MANDATED BY THIS DRAFT WOULD DO LITTLE TO IMPROVE THE SITUATION. ANALOGOUS PROBLEMS EMERGE WHEN THE PROGRAMS OF OTHER AGENCIES AND DEPARTMENTS ARE CONSIDERED.

TO SAY THAT THE COMPREHENSIVE PROPOSAL CONSIDERED BY THE SELECT COMMITTEE DOES TOO MUCH IS NOT TO CONDEMN EVERY ASPECT OF IT AND OTHER PROPOSALS UNDER CONSIDERATION BY THIS COMMITTEE.

FOR EXAMPLE WE MUST TAKE CLEAR STEPS TO INSURE THAT NO INDIVIDUAL, INCLUDING MEMBERS OF CONGRESS, MAY UNILATERALLY RESORT TO PUBLIC DISCLOSURE AS A VEHICLE FOR EXERCISING A ONE-PERSON VETO OVER ANY SECRET OPERATION WHICH HE OPPOSES OR FINDS OBJECTIONABLE.

THAT ONE INDIVIDUAL IN THIS SOCIETY COULD SO FRUSTRATE THE PURSUIT OF FOREIGN POLICY IS UNTHINKABLE.

IN ATTEMPTING TO CORRECT ABUSES AND EXAMINE THE PROPRIETY OF INTELLIGENCE PROGRAMS AND ACHIEVE CONSENSUS REGARDING THE PROPER ROLE OF THE LEGISLATIVE BRANCH, WE MUST NOT THROUGH THE PROLIFERATION OF BODIES HAVING ACCESS TO SENSITIVE INFORMATION BECOME THE UNWITTING PARTNERS OF THOSE WHO WOULD COMPROMISE EITHER THE SAFETY OF DEDICATED INTELLIGENCE PERSONNEL OR THE OVERALL CAPABILITY AND CREDIBILITY OF ORGANIZATIONS CHARGED WITH MAINTAINING OUR SECURITY.

RECENTLY, THE CHAIRMAN OF THE SELECT COMMITTEE SPOKE TO ANOTHER ASPECT OF THIS PROBLEM.

HE PROPOSED CRIMINAL SANCTIONS AGAINST FORMER AGENTS OF THE CIA WHO DISCLOSE NAMES OF FELLOW CIA AGENTS.

I ENDORSE THE CHAIRMAN'S APPROACH AND WOULD JOIN HIM IN SEEKING EARLY ENACTMENT OF LEGISLATION CLOSING THE GREAT GAPS IN CURRENT NON-DISCLOSURE SANCTIONS.

GOING BEYOND THE QUESTION OF SUCH SANCTIONS, WE MUST ALSO PROVIDE TO THE CITIZENS OF THIS COUNTRY THE ASSURANCE THAT THE GOVERNMENT'S INTELLIGENCE AGENCIES WILL NOT BE TURNED UPON THEM. BUT JUST AS SURELY MUST WE PROVIDE AN EFFECTIVE MEANS FOR THE PRESERVATION OF INTELLIGENCE ACTIVITIES IN PURSUIT OF AMERICAN FOREIGN POLICY.

THIS WE CAN AND MUST DO.

WHILE I TOO INITIALLY LEANED TOWARD THE CREATION OF A SEPARATE OVERSIGHT COMMITTEE, I AM NOW OF THE VIEW, BASED UPON THE EXPERIENCE OF THE SELECT COMMITTEE'S INQUIRY, THAT HASTE AND SIMPLICITY MAY BE THE ENEMY OF SOLUTION.

THE SELECT COMMITTEE'S FINAL REPORT, WHICH UNDER S. RES. 21 MUST BE MADE AVAILABLE TO THE SENATE AT THE END OF NEXT MONTH WILL BE THE CULMINATION OF A VERY EXTENSIVE INVESTIGATION INTO THE MISDEEDS OF OUR INTELLIGENCE AGENCIES, BOTH DOMESTIC AND FOREIGN. AS ENVISIONED FROM THE OUTSET THE COMMITTEE'S REPORT SHOULD BE OF ASSISTANCE TO THE SENATE COMMITTEES HAVING OVERSIGHT OVER THE VARIOUS AGENCIES CONDUCTING INTELLIGENCE OPERATIONS.

FROM THIS FINAL REPORT IT IS HOPED THAT THE CONSIDERATION OF REMEDIES AND NECESSARY REFORM CAN PROCEED IN A SPIRIT OF POSITIVE COOPERATION WITH THE EXECUTIVE BRANCH.

THIS CONSIDERATION AND COOPERATION SHOULD BE THE PROVINCE OF THE PRESENT STANDING COMMITTEES, WHERE THE REPORT ON INTELLIGENCE OPERATIONS CAN BE VIEWED FROM THE PERSPECTIVE OF THE ROLE INTELLIGENCE PLAYS IN SUPPORTING GOVERNMENTAL OBJECTIVES IN THE AREAS OF NATIONAL DEFENSE, FOREIGN RELATIONS, AND INTERNAL SECURITY.

AT THE VERY LEAST WE SHOULD NOT BEGIN, AS THE PROPOSED SELECT COMMITTEE DRAFT BILL DOES, WITH THE ASSUMPTION THAT THESE BODIES ARE INCOMPETENT TO PURSUE IMPLEMENTATION OF THE FINDINGS AND RECOMMENDATIONS OF THE SENATE SELECT COMMITTEE.

TO DISAGREE WITH THIS PROPOSAL FOR ANOTHER COMMITTEE IS NOT TO DISAGREE WITH THE PRINCIPLE OF OVERSIGHT. EXISTING COMMITTEES CAN AND SHOULD PERFORM REQUIRED OVERSIGHT.

FURTHER, TO TREAT INTELLIGENCE ACTIVITIES OF OUR GOVERNMENT AS SOMETHING THAT CAN BE SEPARATED FROM THESE PRIMARY GOVERNMENTAL PURPOSES MAY WEAKEN THE ABILITY OF THESE COMMITTEES TO OBTAIN THE VALUABLE INFORMATION THEY NEED TO MAKE THE CRITICAL DECISIONS IN THEIR RESPECTIVE AREAS.

THIS SAME ISSUE OF THE EXTENSIVE SUPPORT THAT OUR INTELLIGENCE AGENCIES PROVIDE TO OTHER BRANCHES AND DEPARTMENTS ALSO HAS A PRACTICAL EFFECT. IT IS UNCLEAR IN THE SELECT COMMITTEE'S BILL WHICH COMMITTEE OF THE SENATE WOULD HAVE JURISDICTION OVER PROGRAMS THAT HAVE A PRIMARY MISSION OF NATIONAL DEFENSE AS WELL AS AN INCIDENTAL, BUT HIGHLY IMPORTANT, INTELLIGENCE MISSION. BECAUSE OF THE SENSITIVE NATURE OF THESE MATTERS, I CANNOT ELABORATE ON THIS QUESTION IN THIS OPEN SESSION BUT SUGGEST TO YOU THAT THE THREE COMMITTEES PRESENTLY SHARING INTELLIGENCE OVERSIGHT BE CONSULTED PRIVATELY.

ANOTHER AREA FOR CONCERN IS THE PRINCIPLE ADVANCED IN THE CURRENT DRAFT OF THE PROPOSED BILL WHICH ALLOWS PUBLIC DISCLOSURE OF TOP SECRET INFORMATION IF THE COMMITTEE DEEMS IT IN THE NATIONAL INTEREST AND THE SENATE BY A SIMPLE MAJORITY AGREES.

I WOULD OPPOSE ANY EFFORT ON THE PART OF THE LEGISLATIVE BRANCH TO REQUIRE PRIOR NOTICE, CONSULTATION OR APPROVAL BEFORE THE INITIATION OF SECRET OPERATIONS IN A FOREIGN COUNTRY IN SUPPORT OF FOREIGN POLICY. SUCH A GRANT OF AUTHORITY TO ANY COMMITTEE WOULD CLEARLY IMPAIR THE PRESIDENT'S CONSTITUTIONAL PREROGATIVES.

IN HIS STATE OF THE UNION ADDRESS PRESIDENT FORD REJECTED SUCH INTRUSIONS INTO THE EXECUTIVE'S TRADITIONAL ROLE CITING THE INTENT OF THE FRAMERS OF THE CONSTITUTION. HE STATED:

"THE FOREIGN RELATIONS OF THE UNITED STATES CAN BE CONDUCTED EFFECTIVELY ONLY IF THERE IS STRONG CENTRAL DIRECTION THAT ALLOWS FLEXIBILITY OF ACTION. THAT RESPONSIBILITY CLEARLY RESTS WITH THE PRESIDENT."

IN CONCLUSION, MR. CHAIRMAN I COMMEND TO YOU THE FUNCTIONING OF THE U. S. INTELLIGENCE COMMUNITY. THE SELECT COMMITTEE HAS FOUND THE CIA, THE DEFENSE INTELLIGENCE AGENCY, THE NATIONAL SECURITY AGENCY AND OTHERS TO HAVE PEOPLE WHO SERVE IN A HIGHLY PROFESSIONAL AND DISCIPLINED MANNER WHO ARE CONCERNED ABOUT THE PROTECTION OF THIS COUNTRY'S SECRETS, AND AN EFFECTIVE AND RESPONSIBLE INTELLIGENCE CAPABILITY.

THE SELECT COMMITTEE AND THE PUBLIC HAVE BEEN TOLD THAT IN SPITE OF THEIR DISCIPLINE THE MORALE OF THE STAFFS OF THESE AGENCIES IS AT AN ALL-TIME LOW, AND THEIR EFFECTIVENESS BOTH HERE AND ABROAD, HAMPERED.

ALL THAT I SUGGEST IS THAT THE SENATE DELIBERATIONS THAT EFFECT THE COMMUNITY NOT IN ANY WAY CONTRIBUTE TO THIS PRESENT, AND, I HOPE, TRANSITORY PROBLEM. THE QUESTIONABLE PRACTICES THAT CAME TO THE ATTENTION OF THE SELECT COMMITTEE AFTER THE MOST EXTENSIVE INVESTIGATION EVER OF A GOVERNMENT ORGANIZATION, HAVE BEEN THE RARE EXCEPTION, RATHER THAN THE RULE.

WE CANNOT SACRIFICE THE DEFENSE OF OUR NATION FOR YEARS TO COME BASED UPON MOMENTARY CONCERN OVER WHAT APPEAR TO BE ABERRATIONS IN OUR EXPERIENCE WITH OUR INTELLIGENCE STRUCTURE.